

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER FRANKLIN,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:24-cv-1822-DC-SCR P

ORDER

Petitioner is a state prisoner proceeding without counsel in this habeas corpus action filed pursuant to 28 U.S.C. § 2254. Petitioner has filed two separate motions requesting an extension of time to file a reply to respondent's April 3, 2025, answer. ECF Nos. 36, 38. For good cause shown, the motions are granted.

Petitioner has also requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice require the appointment of counsel at the present time. In the event that an evidentiary hearing is necessary to resolve petitioner's claims, the court will sua sponte reconsider the appointment of counsel. See Rule 8(c) of the Rules Governing Section 2254 Cases.

1 According, IT IS HEREBY ORDERED that:

2 1. Petitioner's motions for an extension of time (ECF Nos. 36, 38) are granted.
3 2. Petitioner shall file a reply no later than **June 2, 2025**.
4 3. Petitioner's motion for the appointment of counsel is denied without prejudice.

5 DATED: April 29, 2025

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SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE